



ATTORNEY DOCKET NO.: EMC04-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Stephen Strickland, John V. Burroughs, and Timothy Dorr
Serial No.: 10/808,839
For: TECHNIQUES FOR MAINTAINING OPERATION OF A
DATA STORAGE SYSTEM DURING A FAILURE
Filing Date: March 25, 2004
Examiner: Bonura, Timothy M
Art Unit: 2114
Conf. No.: 6718

Certificate of Mailing Under 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: **MAIL STOP AMENDMENT**, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450 on:

Date: March 2, 2007

By: Robin L. Wilkes

(Typed or printed name of person mailing
Document, whose signature appears below)

Signature: Robin L. Wilkes

MAIL STOP AMENDMENT

Commissioner for Patents
PO Box 1450

Alexandria, Virginia 22313-1450

TRANSMITTAL LETTER

Sir:

Enclosed is/are:

- [x] Transmittal Letter (this form, 2 pages, in duplicate), Total Pages: 4;
- [x] Information Disclosure Statement, Total Pages: 3;
- [x] PTO-1449 Form, Total Pages: 1;
- [x] A Copy of the cited references are enclosed except for those which qualify under 37 CFR 1.98 or Patent Office Policy, Total Hard Copy(ies) Provided: 4;
- [x] Return Receipt Pre-paid Postcard (in duplicate), Total Postcards: 2;
- [x] Authorization to charge Deposit Account No. 50-3661, if required.

U.S. Application No.: 10/808,839

Attorney Docket No.: EMC04-01

- 2 -

Applicant hereby petitions for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-3661.

If the enclosed papers or fees are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned collect at (508) 616-2900, in Westborough, Massachusetts.

Respectfully submitted,



David E. Huang, Esq.
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Attorney Docket No.: EMC04-01

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Commissioner for Patents
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Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

This Information Disclosure Statement is submitted:

- ☐ under 37 CFR 1.97(b), (If IDS Filed within three months of filing national application or date of entry of the national stage in international application; or before mailing date of first office action on the merits; whichever occurs last); or
- ☒ under 37 CFR 1.97(c) (If filed after the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first) together with either:
- ☒ a Statement under 37 CFR 1.97(e), as checked below, or

- ☐ a \$180.00 fee under 37 CFR 1.17(p), or
- ☐ under 37 CFR 1.97(d) (If filed after the 37 CFR 1.97(c) time period, but before payment of the Issue Fee) together with:
- a Statement under 37 CFR 1.97(e), as checked below, and
 - a \$180.00 fee under 37 CFR 1.17(p), or
- ☐ Under 37 CFR 1.97(i), applicant requests that the attached IDS and cited reference(s) be placed in the application filewrapper. (If IDS filed after payment of Issue Fee).

Statement Under 37 CFR 1.97(e)

- ☒ Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Enclosed herewith is Form PTO-1449:

- ☒ Copies of cited references are enclosed except for:
- ☒ U.S. Patents and U.S. Patent Application Publications pursuant to 37 CFR 1.98 (a)(2)(ii);
- ☐ Unpublished U.S. Patent Applications stored in the Image File Wrapper system, pursuant to the Official Gazette Notice of October 19, 2004;
- ☐ References previously submitted to, or cited by, the Office in an earlier application, having U.S. Serial No. _____, relied upon for an earlier effective filing date under 35 USC 120, pursuant to 37 CFR 1.98(d);
- ☐ The following references, which are cumulative to other provided references: _____, pursuant to 37 CFR 1.98(c).

- ☐ A copy of the translation of any non-English-language reference is enclosed if such English translation is within the possession, custody, or control of, or is readily available to any individual designated in 37 CFR 1.56(c), pursuant to 37 CFR 1.98 (a)(3)(ii).
- ☒ Listed references were cited in the enclosed International Search Report in a counterpart foreign application.

Concise Explanation Requirement (required for non-English references):

- ☐ The "concise explanation" requirement for reference(s) under 37 CFR 1.98(a)(3) is satisfied by:
- ☐ the explanation provided on the attached sheet.
 - ☐ the explanation provided in the Specification, located on page(s) _____, line(s) _____.
 - ☐ submission of the enclosed International Search Report.
 - ☐ the enclosed English language abstract or translation.

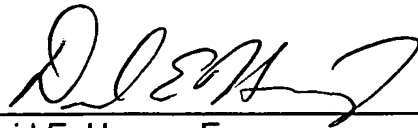
It is requested that the information disclosed herein be made of record in this application.

Method of payment:

- ☒ No fee is required for this Information Disclosure Statement.
- ☐ Enclosed is a check for \$180.00, which covers the Information Disclosure Fee.

Applicant hereby petitions for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-3661.

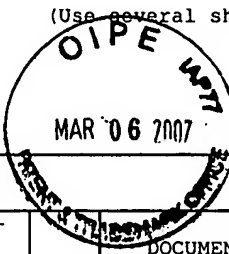
Respectfully submitted,



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Attorney Docket No.: EMC04-01

Dated: March 2, 2007

PTO-1449 REPRODUCED INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary)				ATTORNEY DOCKET NO. EMC04-01		APPLICATION SERIAL NO. 10/808,839	
				APPLICANT Strickland, Stephen, et al.			
				FILING DATE March 25, 2004		GROUP 2114	
U.S. PATENT DOCUMENTS							
EXAM- INER INI- TIAL	DOCUMENT NUMBER	DATE mm/dd/yy	NAME	CLASS	SUB-CLASS	FILING DATE IF APPROPRIATE	
AA	5,991,844	11/23/1999	Khosrowpour	710	129	04/17/1998	
AB							
AC							
AD							
AE							
AF							
AG							
AH							
AI							
AJ							
AK							
FOREIGN PATENT DOCUMENTS							
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION YES NO	
AL	WO 98/33120	07/30/1998	PCT				
AM	WO 02/50678	06/27/2002	PCT				
AN							
AO							
AP							
AQ							
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
AR	PCT International Search Report mailed February 20, 2007						
AS	Written Opinion of the International Searching Authority mailed February 20, 2007						
AT							
EXAMINER				DATE CONSIDERED			